

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	25/02/2021
Planning Development Manager authorisation:	TF	25/02/2021
Admin checks / despatch completed	DB	26.02.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	26.02.2021

Application: 20/01500/DETAIL **Town / Parish:** Weeley Parish Council

Applicant: Holme Oak Developments

Address: Land adjacent 2 Barnfields Clacton Road Weeley Heath

Development: Submission of reserved matters application pursuant to outline permission 18/01698/OUT to build 2 no. detached dwellings.

1. Town / Parish Council

21.12.2020 Weeley Parish Council has no comment to make on this application

2. Consultation Responses

ECC Highways Dept
04.02.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and additional information provided by the applicant.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

2. Prior to the occupation of the development the internal layout shall be provided in principal with drawing number:

- 1212 . I . 006 (A) Block plan

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

3. Prior to the occupation of any of the proposed dwellings, the existing private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway / Footway /

Highway Boundary and provided with an appropriate dropped kerb crossing of the footway/verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

5. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

6. The dwelling shall not be occupied until such time as a car parking has been provided in principal with drawing 1212 . I . 006 (A). These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and/or turning of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 & 8.

7. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

8. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

9. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

TDC Tree & Landscape
Officer
04.12.2020

The main body of the application site is set to grass and is generally well treed especially around the perimeter of the site.

The trees on the boundary of the land and others on the site make a positive contribution to the appearance of the area and to the rural character of the site location.

In order to show the extent of the impact of the development proposal on the trees on the land and to show which trees that are to be retained and those that would need to be removed to facilitate the development proposal the applicant has provided a tree survey and report. This information is in accordance with BS5837 2012 Trees in relation to design demolition and construction: Recommendations.

The tree report accurately shows the positions and crown spread of the trees as well as the Root Protection Areas (RPA's) of the retained trees.

The information provided by the applicant adequately demonstrates that the development proposal can be implemented without causing harm to retained trees and hedges.

TDC Building Control and Access Officer
25.11.2020

No adverse comments at this time.

3. Planning History

17/00430/OUT	Outline planning application with all matters reserved for the residential development of three detached self-build or custom-built houses.	Refused (Appeal Dismissed)	18.08.2017
18/01698/OUT	Outline planning application with all matters reserved for the residential development of 0.3ha of land for 2no. self-build or custom-built houses.	Approved	03.03.2020
20/01500/DETAIL	Submission of reserved matters application pursuant to outline permission 18/01698/OUT to build 2 no. detached dwellings.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1	Spatial Strategy
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
HG1	Housing Provision
HG9	Private Amenity Space

HG13	Backland Residential Development
HG14	Side Isolation
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development
EN1	Landscape Character
EN11A	Protection of International Sites European Sites and RAMSAR Sites
COM6	Provision of Recreational Open Space for New Residential Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
HP5	Open Space, Sports & Recreation Facilities
LP1	Housing Supply
LP4	Housing Layout
LP8	Backland Residential Development
CP1	Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets

in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

5. Officer Appraisal (including Site Description and Proposal)

Site and Surroundings

The application site comprises of land adjacent to Barnfields, Clacton Road, Weeley Heath. The site was previously used as paddock land situated within a rural location with residential properties within the immediate vicinity.

The site is outside the Settlement Development Boundary as identified in the adopted local plan and the emerging local plan.

Proposal

Application is made for the submission of reserved matters pursuant to outline permission reference 18/01698/OUT for the construction of 2 no. detached dwellings.

The accommodation includes two buildings of contrasting appearance. Plot 1 includes a chalet bungalow style dwelling with 4 bedrooms, while plot 2 includes a two storey dwelling with 4 bedrooms on the first floor. Both dwellings include a detached garage and a parking space to the front for the garages.

Unit 1 will comprise a 1 and ½ storey dwelling with a height of 7.75m. Unit 2 will comprise a two-storey dwelling have a height of 8.3 m.

Planning History

Under planning reference 17/00430/OUT planning permission was refused on this site for the erection of three detached dwellings. The decision was upheld under appeal reference APP/P1560/W/18/3196180 where the inspector concluded that the proposed development by means of it subdividing the site, urbanising the area and potentially harming nearby trees, would harm the character and appearance of the area.

An outline application (Reference - 18/01698/OUT) for 2 no. dwellings was then approved in March 2020.

Principle

Outline planning permission was granted in March 2020 with all matters reserved for subsequent approval. In granting the permission, the Council considered that the site could be developed without harming the character and appearance of the locality.

The issues to be considered in this case pursuant to the terms of the outline permission concern the access, scale, layout, appearance and landscaping of the development.

Siting and Layout

The proposed siting and layout is considered acceptable with the dwellings sited in a relaxed layout suitably spaced and set back from the proposed access road. The dwellings would be satisfactorily screened by existing trees, shrubs and vegetation along the east, west and southern boundaries of the site.

The existing driveway that runs through the site and serves an existing building will be retained. The proposed dwellings will be positioned off and will front this existing driveway to create an informal rural lane.

Policy HG9 of the local plan states that houses with three or more bedrooms will require a minimum garden area of 100 sqm. Unit 1 will have a garden area in excess of 280 sqm (excluding existing landscaping) and Unit 2 will have a garden area of 265sqm (excluding existing landscaping). These dwellings are set within spacious grounds consistent with the character and spacing of built form in the vicinity.

Design and Scale

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The size and scale of the proposed buildings contrast markedly with plot 1 including a steeply pitched roof with 3 front facing gable style dormers 2 to the side elevation and a single dormer to the rear elevation of the building.

The building would be rendered with brick chimney stacks along with rendering to the gabled dormers. The roof would be covered by plain tiling.

Plot 2 includes a two storey building with a formal brick built entrance porch. The building would be brick built with two gable sections to the rear elevation. The whole building would be covered by slate roofing.

Detached garages are also proposed with space for parking in front. These garages include pitched roofing with separate doors along with a brick plinth. The elevations would be in black

horizontal boarding covered by Pantile roofing. A side door is also proposed to each of the double garages providing access to the rear gardens of each plot.

The design approach is considered to be acceptable and appropriate to the semi-rural character of the locality. The introduction of specific design features such as porch canopies, horizontal brickwork detailing, exposed rafter feet and brick plinths also assists in enhancing the overall appearance of the development.

In terms of scale this section of Clacton Road includes a mix of semi-detached and chalet bungalow dwellings. In this context the proposed scheme has directly responded to the built variety within the surrounding area through the introduction of two bespoke dwellings of varying height.

Standard of Accommodation

The nationally prescribed space standards 2015 have not been adopted by the local planning authority. However, Policy LP3 of the emerging local plan identifies the importance of these standards at sub section b.

The proposal includes 2 dwellings with 4 bedrooms each. The nationally described floor space schedule requires floor spaces of 115 sqm. Both dwellings include floor space in excess of 130 sqm which far exceeds the national requirements.

Moreover, the internal layouts are acceptable providing acceptable levels of natural light and aspect thereby providing a functional layout and as such this aspect of the proposal is considered acceptable and in compliance with the requirements of the emerging policy LP3.

This would comply with section 12 paragraph 127 sub section f) of the NPPF which requires a high standard of accommodation for existing and future users.

Access & Car Parking

Essex County Council as the Highways Authority do not object to the proposed development.

Access to the dwellings will be provided via an existing access road for which the highway officer has no objection subject to several conditions. A number of requirements requested via condition are illustrated on the submitted plans. Other requirements were secured at outline stage (as detailed below). As such the requested conditions will be applied where relevant.

Condition 6 of the outline permission stated that prior to occupation, the access to ground visibility splay with dimensions of 2.4m by 90m in both directions should be provided. This application is accompanied by an access plan to show this visibility splay can be achieved. Furthermore, condition 7 of the outline permission notes that no unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary. This requirement has been met.

Adopted Car Parking Standards state that for a dwelling with two bedrooms or more, provision should be made for a minimum of two parking spaces. The submitted plans demonstrate the provision of two spaces for each dwelling which is acceptable. Moreover, the garages would accommodate cycle storage space which will enable a shift to a more sustainable form of transport when required.

Impact on Neighbours

Saved Policy QL11 states that, among other things, development will not be permitted if the development will not have a materially damaging impact on privacy, daylight or other amenities of nearby properties. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033.

The nearest affected neighbours are located to the north-west and south of the application site. Given the size, scale and separation distance of the proposed dwellings it is not considered that

the amenities of neighbouring or future occupiers would not be adversely affected by the proposed development.

Landscaping and Tree Protection

Saved policy EN1 of the adopted local plan refers to landscape character and seeks to avoid development that would harm landscape character hedgerows and trees. The concern for the protection of shrubs and trees is reflected by policy PPL 3 of the emerging Tendring District Local Plan 2013-2033.

The site is laid to lawn with the site being lined by trees shrubs and vegetation. These trees have an amenity and ecological value as well as providing suitable screening.

The location of the buildings would not be harmful to the proposed trees. The submitted tree protection measures involving fencing and ground protection measures which are considered acceptable. No concerns have been raised with regard to the safeguarding of these trees. The Council's Trees and Landscaping Officer has confirmed this stance.

The submitted details are considered acceptable, however additional details relating to the hard surfacing/planting will be required and are made subject of conditions appended to the end of this report.

Legal Obligations

A unilateral undertaking was secured at outline stage to secure contributions towards public open space enhancements and RAMS.

Other Considerations

Weeley Parish Council has no comments to make on the application. No further letters of representation have been received.

6. Recommendation

Approval - Reserved Matters/Detailed

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Numbers L. 004 A, L. 006A, L. 101A, L. 001A, L. 102A, L. 1005 A and L.103.

Reason: - For the avoidance of doubt and in the interests of proper planning.

- 2 Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

- 3 There shall be no discharge of surface water onto the Highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 4 The dwellings shall not be occupied until such time as the car parking has been provided in accordance with the details outlined on drawing 1212.L.006 (A). These facilities shall be

retained in this form at all times and shall not be used for any purpose other than the parking and/or turning of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 5 Prior to occupation of the proposed dwellings, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 6 Notwithstanding the details shown on the submitted site plan, no above ground works shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a more detailed scheme of hard and soft landscaping works for the site, to outline details of the hard surfacing finishes and areas of planting within the site. The new planting shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development.

Reason - In the interests of visual amenity.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO